

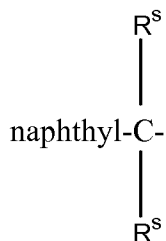
**Remarks/Arguments**

Claims 1-32 are pending in this application. Claims 1-32 are rejected.

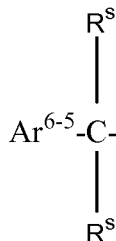
By the present amendment claims 1, 2, 3, 4, and 29 have been amended. Claims 27 and 28 have been canceled and were rewritten as new claims 33 and 34. Claims 30-32 have been canceled without prejudice.

Claims 30-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicants have canceled claims 30-32 but reserve the right to file a divisional application on the canceled claims.

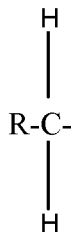
Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The examiner deems several "phraseologies" in claims 1-2, 13 and 29-32 to be confusing thus making the claims indefinite. The examiner refers to the definitions "naphthyl-(CR<sup>s</sup><sub>2</sub>)-, benzoylC<sub>0-3</sub>alkyl-(CR<sup>s</sup><sub>2</sub>)-, phenyl, said phenyl etc., and Ar<sup>6-5</sup>-(CR<sup>s</sup><sub>2</sub>)-, wherein Ar<sup>6-5</sup> is phenyl" etc. The examiner has not indicated which phraseologies in particular are confusing. Since naphthyl, benzoyl and phenyl are art recognized terms, applicants assume that the confusion arises with the -(CR<sup>s</sup><sub>2</sub>)-, portion of the substituent. In claim 1 R<sup>1</sup> and R<sup>2</sup> can independently be naphthyl-(CR<sup>s</sup><sub>2</sub>)-, benzoylC<sub>0-3</sub>alkyl-(CR<sup>s</sup><sub>2</sub>)-, etc.,. The -(CR<sup>s</sup><sub>2</sub>)- portion of the substituent is attached directly to the nitrogen atom as indicated by the bond – after -(CR<sup>s</sup><sub>2</sub>)-, The C refers to a carbon atom, R<sup>s</sup> is defined in claim 1 and the subscript 2 after R<sup>s</sup> indicates that there are two of them. See Examples 88, 95, 97 and 145 (wherein R<sup>s</sup> is as defined) which illustrate this concept. For greater clarity the substituent could be written as follows:



The same is true for the substituent Ar<sup>6-5</sup>-(CR<sup>s</sup><sub>2</sub>)-. For greater clarity this substituent could be written as follows:



An analogy can be made with a substituent such as  $\text{RCH}_2$ -, which for greater clarity can be written as follows:



In this example there are two hydrogen atoms on the carbon atom. Similarly, in the case of naphthyl- $(\text{CR}^s_2)$ -, benzoyl $\text{C}_{0-3}\text{alkyl}-(\text{CR}^s_2)$ - and  $\text{Ar}^{6-5}-(\text{CR}^s_2)$ -, in each instance there are two  $\text{R}^s$  groups on a single carbon atom, hence the designation  $(\text{CR}^s_2)$ . The numerals after Ar, i.e. 6-5, have no specific meaning. They are only intended to distinguish among the various Ar groups in claim 1. To make this distinction they have been written as  $\text{Ar}^6$ ,  $\text{Ar}^5$ ,  $\text{Ar}^{6-6}$  and  $\text{Ar}^{6-5}$ . Applicants submit that the language referred to by the examiner is not indefinite.

With regard to the objection to paragraph iv in claim 1,  $\text{R}^1$  and  $\text{R}^2$  in formula (I) taken together with the nitrogen to which they are attached are defined as a 4-7 member heterocyclic ring, said heterocyclic ring having 0 or 1 additional heteroatoms separated from the nitrogen of attachment by at least one carbon atom and selected from O, S,  $-\text{N}=\text{}$ ,  $>\text{N}=\text{}$ ,  $>\text{NH}$  or  $>\text{NR}^p$ . The heterocyclic ring may have 0, 1 or 2 unsaturated bonds having 0, 1 or 2 carbon atoms one of which is a carbonyl and optionally having one carbon atom which forms a bridge. Examples of such compounds are Examples 79 wherein  $\text{R}^1$  and  $\text{R}^2$  taken together with the nitrogen to which they are attached form a thiazole ring and Example 91 wherein  $\text{R}^1$  and  $\text{R}^2$  taken together with the nitrogen to which they are attached form a morpholine ring. The heterocyclic ring may be fused at two adjacent carbon atoms forming a saturated bond or an adjacent carbon atom and a nitrogen atom forming a saturated bond to a 4-7 membered hydrocarbon ring etc. Example 89 is an example of a heterocyclic ring having a carbon atom which forms a bridge and where the heterocyclic ring is fused to a 4-7 membered hydrocarbon ring. It is submitted that a careful reading of the claim language in connection with the specification and the Examples will render the subject matter clear to one skilled in the art.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Weinstock *et al.*, WO/2000078145. The examiner has concluded that Weinstock *et al.* discloses the compound wherein  $\text{R}^1$  and  $\text{R}^2$  in applicants' claimed compounds are hydrogen and bromophenyl and  $\text{R}^a$  is chloro. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrov *et al.* The examiner has concluded that Petrov *et al.* discloses the compound wherein  $\text{R}^1$  and  $\text{R}^2$  in applicants' claimed compounds is chlorophenyl and  $\text{R}^a$  is chloro. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Meditsinskaya *et al.* The examiner has concluded that the reference discloses the compounds wherein  $\text{R}^1$  and  $\text{R}^2$  in applicants' claimed compounds is chlorophenyl and  $\text{R}^a$  is bromo and claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Mikhailitsyn *et al.* The examiner has concluded that the reference

discloses the compounds wherein R<sup>1</sup> and R<sup>2</sup> in applicants' claimed compounds is chlorophenyl and R<sup>a</sup> is halo. By the present amendment claims 1, 2, 3 and 4 have been amended by deleting phenyl from the definition of R<sup>1</sup> and R<sup>2</sup>. It is believed that the claims as amended do not read on any of the cited references.

Reconsideration of the rejection of claims 1-28 under 35 U.S.C. 102(b) is courteously requested.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over all of the references cited in the 102(b) rejection. By the present amendment claim 29 has been amended by deleting the phenyl substituent from the definition of R<sup>1</sup> and R<sup>2</sup>. It is believed that the pharmaceutical compositions claimed in claim 29 as amended are not obvious in view of the cited references.

Reconsideration of the rejection of claim 29 under 35 U.S.C. 103(a) is courteously requested.

The examiner has objected to the table in claims 27 and 28 and has requested that the compounds be rewritten in accordance with U.S. patent practice. By the present amendment claims 27 and 28 have been canceled and new claims 33 and 34, written in the form requested by the Examiner, have been added.

In view of the above discussion and the amendments herein being made to the claims, it is believed that all of the outstanding objections and rejections have been removed.

Applicants respectively request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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